IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

W.P.(C).No.12784 of 2006 (S)

PETITIONERS:-
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1. SRI. M.T.MATHEW, S/O. THOMAS
(EXECUTIVE MEMBER FROM WARD 6 OF THE THONDERNADU GRAMA PANCHAYATH) MARANGANTTIL HOUSE, PUTHUSSERY P.O., MANANTHAVADY, WAYANAD DISTRICT.

* 2. SMT. NIRMALA SASI, (MEMBER OF 6TH WARD OF THE THONDERNADU GRAMA PANCHAYATH) MALAYIL HOUSE, PUTHUSSERY P.O., MANANTHAVADY, WAYANAD DISTRICT (DELETED).

* THE 2ND PETITIONER IS DELETED FROM PARTY ARRAY AS PER ORDER DATED 25.10.2006 IN I.A. NO.9076 of 2006.

BY ADV. SRI.ABRAHAM MATHEW (VETTOOR)
SMT.A.A.GEETHA

RESPONDENTS:-
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1. STATE OF KERALA, REPRESENTED BY IT'S SECRETARY, L0CAL SELF ADMINISTRATION, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, WAYANAD DISTRICT.

3. THE EXECUTIVE ENGINEER, L.S.G.D.DIVISION, KALPETTA, WAYANAD.

4. THE ASST. EXECUTIVE ENGINEER,
   L.S.G.D.SUB DIVISION, MANANTHAVADY.

5. THONDERNADU GRAMA PANCHAYATH,
   MANANTHAVADY, WAYANAD, REPRESENTED BY
   IT'S SECRETARY.

6. K.J.JOSEPH, S/O. JOSEPH,
   KATTUPURACKAL HOUSE, PUTHUSSERY,
   VALAD P.O., MANANTHAVADY.

7. V.J.VARKEY, S/O. JOSEPH,
   VATTAKANDATHIL HOUSE, VALAD P.O.,
   MANANTHAVADY.

R1 TO R4 BY SENIOR GOVERNMENT PLEADER SRI.M.R.SABU.
R5 BY ADVOCATE SRI.K.G.ANIL BABU.
R6 BY ADV. SRI.GRASHIOUS KURIAKOSE
R7 BY ADV. SRI.C.B.SREEKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/12/2006, THE COURT ON 07/12/2006 DELIVERED THE FOLLOWING:

W.P.(C).NO.12784 OF 2006

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 - TRUE COPY OF THE LOCATION MAP.

EXT.P2 - TRUE COPY OF THE MINUTES OF THE MEETING DATED 24.7.2005.

EXT.P3 - TRUE COPY OF THE LETTER OF THE CONSENT ISSUED BY THE THONDERNADU GRAMA PANCHAYATH DATED 9.8.2005.

EXT.P4 - TRUE COPY OF THE ACKNOWLEDGEMENT BY SRI.V.J.VARKEY DATED 16.8.2005.

EXT.P5 - TRUE COPY OF THE JUDGMENT IN W.P.(C).NO.25165/05 DATED 30.8.2005.

EXT.P6 - TRUE COPY OF THE COMMUNICATION ISSUED BY THE SECRETARY OF THE THONDERNAD GRAMA PANCHAYATH DATED 3.12.2005.

EXT.P7 - TRUE COPY OF THE MASS REPRESENTATION TO THE DISTRICT COLLECTOR DATED 26.10.2005.

EXT.P8 - TRUE COPY OF THE REPRESENTATION TO THE DISTRICT COLLECTOR DATED 18.4.2006.

RESPONDENT'S EXHIBITS:- NIL.

- TRUE COPY -

V.K.Bali,C.J. &
S.Siri Jagan,J.

W.P.(C).No.12784 of 2006-S

Dated, this the 7th day of December, 2006

JUDGMENT

V.K.Bali,C.J. (Oral)

This writ in the nature of public interest litigation has been filed by M.T.Mathew, a former elected member of the Thondernadu Grama Panchayat. It is the case of the petitioner that the Thondernadu Grama Panchayat and Thavinjal Grama Panchayat lie on either side of Mananthavady river. Both the Panchayats are thickly populated and there are about 300 Adivasi families even in the Thondernadu Grama Panchayat. People in both the Panchayats are using a dilapidated wooden hanging bridge for crossing the river and reaching the other shore. The present condition of the wooden bridge is highly risky and dangerous. Realising the dangerous condition of the present wooden hanging bridge, Smt.Radha Raghavan, the former member from North Wayanad Legislative Constituency allotted an

amount of Rs.15 lakhs from the Local Development Fund of the M.L.A. for construction of a foot-bridge at Valadu Koodal Kadavu in Thondernadu Grama Panchayat during the financial year 2005-06. Necessary technical sanction was also obtained for the said proposal, as would be made out from a location map of the foot bridge proposed as Exhibit P1. Pursuant to the allotment of fund, approval of the site and technical sanction, a seven member committee from among the beneficiaries was constituted and the 7th respondent was elected as the Convener thereof. Pursuant to the award of the work in favour of the 7th respondent as the beneficiary committee and the handing over of the site for the construction, work was commenced, for which considerable materials were also brought at the site. The 6th respondent, who is stated to be in inimical terms with the 7th respondent, wanted to see that the foot bridge is never constructed by the 7th respondent. Due to his influence, the 2nd respondent - District Collector issued a telephonic direction to the 5th respondent for

stoppage of the construction of the bridge and accordingly the Panchayat has issued order dated 3.12.2005. It is the case of the petitioner that the District Collector would have no right or authority to interfere with the work in any manner, but in spite of representation made to him, no steps have been taken by him to continue the construction and complete the same in a time framed manner.

2. Pursuant to notice issued by this Court, Mr.M.R.Sabu, Senior Government Pleader has put in appearance for respondents 1 to 4. The factual position as enumerated above is not in dispute. That there is indeed necessity of making a bridge is also not denied. Some procedural wrangles are the only cause as stated by the counsel for which the bridge could not be constructed.

3. Considering the undisputed facts as mentioned above and also utmost requirement of a bridge, we order that the required bridge be constructed maximum within a period of one

year from today. Surely, if all the concerned authorities proceed in the right direction in the matter of construction of the bridge, the procedural difficulties can be sorted out and the bridge should be constructed.

Disposed of as indicated above.

V.K.Bali
Chief Justice

S.Siri Jagan
Judge

vku/-